

EXHIBIT 10

Federal prosecutor opens probe of Lilly;Marketing of drugs appears to be focus of inquiry in Pennsylvania The Indianapolis Star March 26, 2004 Friday Final Edition

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**HEADLINE: Federal prosecutor opens probe of Lilly;
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BODY:

A **federal prosecutor** in **Pennsylvania** is investigating Eli **Lilly** and Co.'s **marketing** of up to three of its best-known **drugs**.

The Indianapolis drugmaker said Thursday that it was notified of the investigation a few days ago.

The **probe appears** to include Zyprexa, its top-selling **drug**; previous best-seller Prozac; and the osteoporosis **drug** Evista, **Lilly** said. No subpoenas asking for information have been served yet, said **Lilly** spokeswoman Terra Fox.

A Department of Justice **probe** launched in 2002 was limited to **Lilly's marketing** of Evista.

Such **drug marketing** investigations are becoming more common across the industry. Some have resulted in judgments or fines ranging into the hundreds of millions of dollars.

"A few **prosecutors** have made a name through this," winning large judgments and prompting other **prosecutors** or government agencies to try their hand at cracking down on **drug** companies for promotional violations, said Bradley Thompson, a **drug** law expert and partner at the Indianapolis law firm of Baker & Daniels.

Some of the cases cite violations of **drug marketing** laws that were tightened two years ago by the **federal** Department of Health and Human Services. The new **federal** guidelines ban certain **marketing** practices that had been widely used, such as wining and dining doctors or flying them to paid vacations at resorts as a way of getting them to prescribe a company's products.

"The law was sort of laid down, and now the government is systematically enforcing it," Thompson said.

Drugmakers also have seen numerous **drug** pricing investigations and lawsuits in the past year.

Lilly wouldn't comment on details of the latest investigation. The U.S. Attorney for the Eastern District of **Pennsylvania**, Patrick Meehan, also would not comment on his office's **Lilly** investigation. Meehan previously was senior counsel to Sen. Arlen Specter, R-**Pa.**

"At some point they might disclose more about it. Until then, it's hard to handicap" the

impact of an investigation on **Lilly**, said Stephen A. O'Neil, a **drug** stock analyst for the JJB Hilliard, WL Lyons investment firm in Louisville, Ky.

Lilly's marketing of Evista has been the subject of a separate investigation, by the Department of Justice, for the past two years.

Earlier this month, the **Pennsylvania** attorney general sued 13 drugmakers for deceptive pricing and sales practices. **Lilly** wasn't one of them.

Call Star reporter Jeff Swiatek at (317) 444-6483.

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